UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

May 29, 2012

Ms. Michelle Eraut
Program Development Team Leader
Federal Highway Administration
530 Center Street NE, Suite 420
Salem, Oregon 97301

Ms. Kelly Amador
Senior Project Leader, Region 2
Oregon Department of Transportation
885 Airport Road SE, Bldg. P
Salem, Oregon 97301-4788

Re: Newberg Dundee Bypass Tier 2 Final Environmental Impact Statement
(EPA Region 10 Project Number: 10-032-FHW)

Dear Ms. Eraut and Ms. Amador:

The U.S. Environmental Protection Agency (EPA) has reviewed the Newberg Dundee Bypass Tier 2 Final Environmental Impact Statement (FEIS). We are submitting comments in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

We would like to take this opportunity to thank FHWA and ODOT for the collaborative work undertaken to develop this project within the CETAS process. We feel it has been a successful endeavor to date, and stands as a process to emulate. Overall, the quality of the EIS reflects the open, collaborative process that gave rise to it. We commend the lead agencies, too, for conducting the CS3 workshops to gather information from resource agencies and the public to generate design and local circulation options.

The Tier 2 FEIS identifies the Preferred Alternative and states that the project will be phased. Phase 1 is identified and analyzed as an approximate 4-mile two-lane bypass roadway between Newberg and Dundee. We appreciate that the FEIS includes analysis of the Phase 1 facility along with the Preferred Alternative, and that it includes the Tier 2 Draft EIS Build Alternative for comparison and background. We are also grateful for the thorough, reader friendly presentation, including the green type for additional information since the Draft EIS. Our remaining comments for your consideration are provided below:

Aquatic resources mitigation

EPA is pleased that ODOT is working collaboratively with local watershed organizations and the Chehalem Parks and Recreation District (CPRD) to integrate the project's mitigation obligations for aquatic resource impacts into a holistic approach. The proposed mitigation would provide riparian and wetland restoration/enhancement in areas that will serve multiple objectives for aquatic species and the public. As the project is proposed to be built in phases, providing mitigation in advance of the majority of the project's impacts will help to address concerns for temporal losses of riparian and wetland areas within the project boundaries. Focusing restoration and enhancement activities within the Springbrook and Hess Creek systems are likely to provide long term benefits to those stream systems, which serve as strongholds for the many aquatic species that use those areas as well as providing vital links to the Willamette River.

Partnering with local organizations such as the CPRD will help ensure that long-term stewardship is provided to those mitigation areas. EPA encourages ODOT to work closely with CPRD in developing long term management plans for the mitigation areas to ensure that balance is maintained in incorporating the public needs for those mitigation areas while protecting the natural resource functions that the mitigation is intended to provide. We believe the concept of bundling the overall project mitigation obligations into these key aquatic areas is likely to maximize overall environmental benefits of the mitigation actions in these areas.

> *Recommendation:* Work with CPRD to address the long-term management need to ensure fully functional and sustainable natural resource values along with public use of mitigation areas.

Results of public involvement

The Tier 2 FEIS does a good job of documenting the public involvement and outreach activities conducted for the proposed project. As noted above, we are especially pleased to see and support the use of the Context Sensitive and Sustainable Solutions (CS3) workshop. We encourage ODOT to include in the Record of Decision (ROD) a brief summary of what was heard from the public and the specific ways, in addition to the design options, that the Preferred Alternative and associated mitigation responds to their issues and concerns.

> *Recommendation:* Include in the ROD a summary of what was heard from local jurisdictions and the public, including those that were identified as low income, minority, elderly, disabled, and those speaking on behalf of children, and how FHWA and ODOT responded to their concerns in terms of project location, design, and mitigation.

Yamhill River bridge

We support the full span design for project bridges, including the Yamhill River bridge, which we anticipate would minimize impacts to the aquatic/riparian/floodplain ecosystem. Because a new bridge over the Yamhill River would still entail impacts to the riverine environment, we would appreciate more information regarding the need for this bridge and how it supports the

project purpose, which is stated as to improve mobility and safety through Newberg and Dundee and reduce congestion on Oregon 99W.

> *Recommendation:* In the ROD, include more information regarding the need for the Yamhill River bridge.

Air quality during construction

The FEIS states (p. 3-328) that contractors will comply with ODOT standard specifications in Section 290. It would be helpful to disclose in the NEPA document what air pollution control measures are included in this Section. Our concern is that Section 290 include a full suite of measures to minimize overall construction emissions and exposure for nearby residents and businesses as well as construction workers. Consider adding a measure to address preventative maintenance of construction equipment to further strengthen the standard specifications. For dust control, in order to avoid introducing additional toxic pollutants to soil, groundwater, surface water, and air, we recommend the use of water rather than chemicals or oil (p. 3-327).

> *Recommendation:* Consider including the above information and mitigation refinements in the ROD.

Biological resources -- ecological connectivity

We appreciate the candid and thorough discussion of impacts to botanical, wildlife, and fish resources. We also appreciate the use of full span bridges and fish-passable culverts to minimize impacts to fish and wildlife movement in the landscape and waterways. The FEIS acknowledges the increased potential for wildlife mortality due to wildlife vehicular collisions both on the proposed Bypass and on Oregon 99W. We agree that the potential for this to occur will increase with the introduction of the substantial new roadway barrier and constant vehicular speeds of approximately 55 miles per hour for both roadways. To reduce wildlife-vehicular collisions, we recommend considering a fencing plan that would coincide with areas of wildlife habitat and movement patterns. While we would not anticipate full fencing for the entire Bypass corridor, fencing could be strategically applied to reduce accidents, which would benefit both wildlife and human safety.

> *Recommendation:* Include a strategic fencing plan in project design to funnel wildlife to riparian corridor crossing areas and to prevent entry upon the roadways where such events are most likely to occur. Gather road kill data and conduct landscape analysis to identify areas most in need of this preventive measure. For example, identify all locations where animal fatality rates for deer are high, such as, between wooded areas and open landscapes (p. 3-584) and provide fencing that would prevent roadway entry and serve to funnel animals to riparian corridors/crossing locations.

The FEIS (p. 2-12) also indicates there will be a raised median barrier in locations, such as, Segment 8.1 at East Newberg Interchange, and Segment 8.1A at Rex Hill. Project design should evaluate whether or not median barriers in these or other potential locations would create an additional impassable barrier for wildlife, thereby resulting in almost certain wildlife-vehicular

collisions. If such conditions would potentially be created, we recommend that additional steps be taken to reduce or eliminate such barrier impacts.

Thank you for the opportunity to offer comment on the FEIS and for the privilege of working with all parties involved in this collaborative process. If you have questions or would like to discuss these comments, please contact Elaine Somers of my staff at (206) 553-2966 or by electronic mail at somers.elaine@epa.gov, Yvonne Vallette in our Oregon Operations Office at (503) 326-2716 or by electronic mail at vallette.yvonne@epa.gov, or me at (206) 553-1601 or by electronic mail at reichgott.christine@epa.gov.

Sincerely,

for

Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit